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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,725	10/01/2004	John Zimmerman	PHUS020100	4382
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,725

Applicant(s)

ZIMMERMAN ET AL.

Examiner

SAHAR A. BAIG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 02/01/2008 have been fully considered but they are not persuasive. Examiner maintains previous grounds of rejection. The presented claims are broad enough to be rejected by the disclosed references. Herz et al. teaches of a system that has user customized identification of desirable objects such as news articles. User-customized rank ordered listings of desirable news objects are created and then presented to the user. The "target profile interest summary" in Herz is an example of the claimed "consumer profile".

Regarding the information content matching table comprising broadcaster importance data, story depth data, and novelty data, **Fig. 12 step 1201** of Herz suggests determining sets of attributes for target objects. The sets of attributes can be anything ranging from broadcaster importance data, story depth data, or novelty data.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1-4, 6-7, and 17- 21, rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. U.S. Patent No. 5,754,938.

Regarding Claim 1, 18, 19 and 21, Herz discloses a method for providing personalized news to a consumer comprising: receiving news from a plurality of

external sources **[Col. 7 line 13-20]**; identifying a subset of the received news based on a consumer profile for the consumer **[Col. 1 line 17-18]**; storing the identified news**[Col. 7 line 66- Col. 8 line 5]**; prioritizing the stored news **[Col. 7 line 29-33]**; providing at least a portion of the prioritized news to the consumer **[Col. 1 lines 26-33]**.

Regarding Claim 2, Herz discloses that incoming media can be from any source or any format **[Col. 6 lines 8-11]**; Examples of target objects can include, but are not limited to: a newspaper story of potential interest, a movie to watch, an item to buy, e-mail to receive, or another person to correspond with].

Regarding Claim 3, Herz discloses a method that provides at least a portion of the prioritized news to the consumer comprising providing at least a portion of the prioritized news in a format specified by the consumer **[Col. 1 lines 25-30; user customized rank ordered listings are created]**.

Regarding Claim 4, Herz discloses a method that prioritizes the stored news based on data stored in an information content matching table **[Col. 5 lines 13 – 16; The system then evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects]**.

Regarding Claim 6 and 20, Herz discloses a method **Figure 10** comprising: receiving an activation request from the consumer **1101**; providing a summary screen to the consumer based on the activation request **1104**; receiving a request for a specified content zone from the consumer **1105**; and providing a content zone screen to the consumer based on the specified content zone **1106**.

Regarding Claim 7, Herz discloses the content zone screen comprising one of a weather content zone screen, a traffic content zone screen, a financial content zone screen, a sports content zone screen, a local events content zone screen and a headlines content zone screen **[Col. 52 lines 4-6; In the case of an electronic newspaper, the files can contain textual representations of stock prices, weather forecasts, editorials, etc]**.

Regarding Claim 17, Herz discloses a method **Figure 10** comprising: providing a clustered story button **1104** on the content zone screen, the clustered story button operable to identify a story augmented with additional information; receiving a selection of the clustered story button from the consumer **1105**; and providing the additional information to the consumer based on the selection of the clustered story button **1106**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5, 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. U.S. Patent No. 5,754,938.

Regarding Claim 5, Herz fails to explicitly describe that the data stored in the information content matching table comprises broadcaster importance data, story depth data, and novelty data, it would have been obvious to one of ordinary skill in the art to include this feature since Herz discloses attributes comparison in determining what the user will find of interest [**Col. 16 lines 1-14**]. Furthermore, **Fig. 12 step 1201** suggests determining sets of attributes for target objects. The sets of attributes can be anything ranging from broadcaster importance data, story depth data, or novelty data.

Regarding Claim 11 and 12, Herz fails to explicitly disclose receiving a request for a zone summary screen from the consumer; and providing the zone summary screen to the consumer. Including this feature would have been obvious to one of ordinary skill in the art since it is obvious that the list can be displayed with just a

title or a summary (sentence) version [Col. 58 lines 23-31; *If no titles are available, then the first sentence(s) of each article can be used*]. As for the content zone screen comprising an expanded zone and a collapsed content zone section, Herz discloses *displaying a labeled menu of subclusters, from which the user may select subclusters* [Col. 71 lines 25-32]. **Therefore it would have been obvious to one skilled in the art to include this feature for the benefit of user-friendly browsing.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. U.S. Patent No. 5,754,938 in view of Ludolph (U.S. Patent No. 5,874,958).

Regarding Claim 8, Herz discloses all of the limitations of the claimed invention except for providing a visual indicator to notify the consumer of which content zone is currently active. In an analogous art, Ludolph discloses that in **Figure 7** a box is formed around a highlighted or selected box in the displayed window. *[An edge selected by the user is highlighted in section 704 by, for example, forming box 740 around the selected edge (e.g., edge 204)]* Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Herz

and Ludolph to achieve a method of displaying a highlighted field on a display screen.

Regarding Claim 9 refer to **Figure 2 –7B**. Various combinations of background pattern, texture, and animation are obviously possible to accomplish.

Regarding Claim 10, Ludolph disclose visual elements of the content zone screen configurable by the consumer **[Col. 3 lines 26-27; A configuration user interface (UI) of a selector module is used to configure a sliding panel]**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. U.S. Patent No. 5,754,938 in view of Windows Media Player.

In regards to claims 13-16, Herz fails to clearly describe the limitation of receiving a selection and then automatically playing it. It also fails to mention of a play all selection along with playing a selection based on priority. **Microsoft's Windows Media Player** easily meets all of the claimed features. A selection of media files is automatically played on a priority ranked order in the play list. The play all command plays all the media files in the play list. Therefore it would have been

obvious to one of ordinary skill in the art to combine the teachings of the two disclosed prior arts to obtain a system that plays a selection in a priority ranked order automatically.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **SAHAR A. BAIG** whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

SB